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Guam

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I. Background information

Geography and population

1. Guam¹ is the southernmost and largest of the Mariana Islands in the Pacific, situated about 1,350 miles south of Tokyo and 3,700 miles west-south-west of Hawaii. It consists of a single island of approximately 212 square miles. It comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. The capital city of Guam is Hagåtña, previously known as Agana.

2. When the first Spanish missionaries came to Guam late in the 17th century, it was inhabited only by the indigenous people of Chamorros. They are believed to be of Mayo-Polynesian descent. War and diseases introduced by the Europeans nearly annihilated them. Today, the Chamorros comprise over one third of the population and play an active role in the political and social life of the island. Guam has evolved into a multi-ethnic society.² According to the United States Census Bureau International Data Base, Guam's population for 2006 is 171,019. The ethnic and racial composition of the population was 37.1 per cent Chamorro, 26.3 per cent Filipino, 11.3 per cent other Pacific islander, 6.9 per cent white, 6.3 per cent other Asian, 2.3 per cent other ethnic origin or race, and 9.8 per cent of mixed origin.³ English and Chamorro are the official languages. Among the important changes revealed in the 2000 census was a much slower population growth rate than in the previous decennial censuses. The sharp drop in population growth in the period from 1990 to 2000 is not the result of a large drop in the natural increase. Rather, it seems to derive from Guamanians migrating to Hawaii and other states for employment opportunities.⁴

3. Most of the population is Christian, mainly Roman Catholic (90 per cent). Other major religious denominations are Baptist, Seventh-day Adventist, Latter-day Saints and Episcopalian. Most other religions have adherents in Guam, including Jehovah's Witnesses, Jews, Buddhists and Muslims.⁵

II. Constitutional, legal and political issues

A. General

4. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Guam Organic Act, which established institutions of local government and made Guam an organized Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory since not all provisions of the United States Constitution apply to the island. According to United States law, Guam, as an unincorporated Territory, is a possession of the United States but not part of the United States.

B. Constitutional structure

5. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to local elections applies to Guamanians 18 years and older. Guamanians are citizens of the United States, but they are not eligible to vote in United States presidential elections while resident in the Territory. The people of Guam elect a Governor, who serves a four-year term. The current Governor, Felix P. Camacho, assumed that post in January 2003. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

6. The people also elect 15 senators, who serve two-year terms in a unicameral Legislature. The Legislature may override the Governor's veto. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

7. In 1972, a new law gave Guam one non-voting delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committee but not on the floor of the House.

8. In February 2006, a bill was introduced in the Guam Legislature to expand its autonomy. Bill 259 enjoys wide bipartisan support and requests the United States Congress to allow the local Legislature to amend the provisions of the Organic Act relating to local government with a view to enabling the people of Guam to make their own decisions on island issues.⁶ Meanwhile, Guam is in the process of downsizing its Cabinet. Governor Camacho has submitted to the Legislature a total of seven bills aimed at merging 20 agencies and eventually decreasing the size of the Cabinet from 55 to 12 departments.⁷

C. Legal system

9. The judicial system in Guam comprises both local and federal components. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor and confirmed by the Legislature. Local judges are subject to confirmation by the voters every six years. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court for Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam allowing the Guam Legislature to elect its own Attorney General for a four-year term. Attorney General Douglas Moylan, who took office on 6 January 2003, is the Chief Legal Officer of the Government of Guam. The Office of the Attorney General provides legal services to the Government of Guam and is empowered with prosecutorial authority.

10. In October 2004, President Bush signed an amendment to the Organic Act that established the judiciary of Guam as an independent branch of the Government.⁸ The resolution also confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary. The Guam Delegate to the United

States Congress, Congresswoman Madeleine Bordallo, stated that the new law was "an important step forward for self-governance in Guam".⁹

D. Political parties and elections

11. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In November 2002, Guam held general elections. The Republican candidate, Felix Camacho, defeated former Congressman Robert Underwood by 4,500 votes and was elected Governor. On 2 November 2004, the Democratic candidate, Madeleine Bordallo, was re-elected as the Guam Delegate to the United States Congress.¹⁰ In the vote for the 28th Guam Legislature, the Democrats lost their majority of nine seats and now hold six seats, while the Republicans won a majority of nine seats.

E. Political issues

12. Periodically, there have been moves in Guam to change the island's political status.⁸ In a 1976 referendum Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of five to one, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted.¹¹ In a 1982 run-off referendum, 73 per cent of voters opted to pursue commonwealth status with the United States. According to the Commission on Self-Determination, established in 1984 to draft a commonwealth agreement, that status was intended to be an interim one, which would provide an opportunity for Guam to structure a better relationship with the United States.

13. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act, which, after a public education campaign, was submitted to an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the central proposal, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after they had been amended and rewritten. A summary of the main points in the draft Commonwealth Act is contained in the 2001 working paper (A/AC.109/2001/4).

14. Discussions between the Guam Commission on Self-Determination and the United States Government on the draft Commonwealth Act began again in 1989 and continued through 1997 without resolution (see A/AC.109/2000/6, paras. 19-22, A/AC.109/1192, paras. 19-37, and A/AC.109/2018, paras. 74-83). According to a statement made by the then Governor, Carl T. C. Gutierrez, to the House Resources Committee of the 105th Congress in October 1997, the position of the United States executive branch with regard to the draft Act has essentially been that it was unconstitutional insofar as it did not recognize the plenary authority of Congress over Guam.

15. In 1997, Guam Public Law 23-147 established a Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination. That Commission, in concert with a process of registration of

eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote on the Chamorro people's status preferences of independence, integration or free association, in accordance with international standards.

16. In 2000, the Guam Legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite. The plebiscite was expected to ask the Territory's indigenous people to choose between statehood, independence or free association with the United States. The indigenous people are defined by law as persons or descendants of persons who were in Guam at the time of the United States ratification of the Treaty of Peace with Spain in 1898 and/or persons or descendants of persons who received United States citizenship pursuant to the Organic Act of 1950. The plebiscite would have been non-binding but would have set the course of any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered, and the issue has not been further addressed.

III. Budget

17. The budget of Guam comprises revenues received by the Government of Guam and federal grants generally, allocated to particular sectors through the Department of the Interior on an ad hoc basis. The Governor has the power to veto a budget bill, following which the bill is returned to the Legislature, which can either override the Governor's veto by a special majority or reconsider the bill. In 2004, the Government of Guam narrowly avoided a Government shutdown when the Legislature and the Governor experienced a serious impasse on the budget for the fiscal year 2005. At the time, the Governor signed the budget and urged lawmakers to work with the Administration during the fiscal year to adjust the budget based on the actual revenues collected.¹²

18. The federal spending proposed for Guam in the budget for the fiscal year 2006 is \$131 million. In February 2006, President Bush proposed a budget of \$426.3 million for 2007 to assist seven insular areas, including Guam.¹³ According to the Office of Insular Affairs, the top two priorities for the insular areas continue to be the promotion of private sector economic development and the effort to ensure that there is proper accountability for the use of Federal funds.¹⁴

19. According to a recently created think tank, the Government of Guam is more than \$400 million in debt. The Administration wants to pay the deficit by borrowing money on the bond market. Guam law allows the Governor to borrow as much as \$418 million on the bond market, but the Attorney General has argued that additional borrowing will exceed the legal debt limit set under the Organic Act. Permanent and temporary increases in taxes and fees, job cuts, public hiring freezes and outsourcing are among the options proposed by the Administration to deal with the shortfall in revenue.¹⁵

IV. Economy

A. General

20. According to the Guam Economic Development and Commerce Authority, Guam's economy is 65 per cent dependent on tourism; 30 per cent, on the military; and approximately 5 per cent, on other industries.¹⁶ The construction sector is also an important contributor to the economy, while the farming and fishing sectors are relatively well developed. Vegetables, citrus and tropical fruits, coconuts and sugar cane are grown and livestock, especially poultry, is raised. Manufacturing sectors include textiles and garment production, cement and plastics.¹⁷

21. Guam is a duty-free port and an important distribution point for goods destined for Micronesia. Re-exports constitute a high proportion of Guam's exports, which include petroleum products, iron and steel scrap, automobiles, tobacco, cigars, among others. Principal trading partners of Guam are Japan, the Republic of Korea, the United States of America, the People's Republic of China, the Federated States of Micronesia and Palau.¹⁸ Most food and industrial goods are imported. According to The World Factbook of the Central Intelligence Agency,³ Guam faces the problem of needing to build up the civilian economic sector to offset the impact of military expenditures.

22. According to the Bank of Hawaii, the gross national income of Guam in 2000 was \$2,772.8 million, which was equivalent to \$16,575 per capita income.¹⁸ In 2001, however, almost a quarter of the population was estimated to be living below the poverty line.³

B. Primary economic sectors

1. Agriculture and fisheries

23. The agriculture and fisheries sector has played a small role in the economy of Guam, accounting for less than 1 per cent of total private sector employment. Horticultural development, aquaculture, small-scale aquarium fish trading and pearl farming were highlighted as potential business opportunities at a conference on business opportunities in Guam, held in 2004 by the United States Department of the Interior, Office of Insular Affairs.¹⁹

2. Manufacturing/Industry

24. One of the major industries on Guam, and the third most important economic sector (after tourism and the public sector), is construction. Construction as a generator of employment remains significantly above average for the United States, although it had been declining during the last decade.

3. Tourism

25. Over the past 20 years, the tourist industry in Guam has grown rapidly, creating a construction boom for new hotels and the expansion of older ones. More than 1 million tourists visit Guam each year, with visitors from Japan making up almost 90 per cent of the total.³ Over the reporting period, 1.2 million tourists came to Guam, close to the goal set by the Guam Visitors Bureau of attracting 1.3 million

visitors in 2005.²⁰ According to the Governor, the airport is investing more than \$120 million to accommodate the growing number of visitors.²¹ In order to further promote Guam's tourist industry, the Congressional Asian Pacific American Caucus worked with the Guam Delegate to the United States Congress to encourage the United States Department of Commerce to direct the focus of a \$10 million "Visit the U.S.A." marketing effort in part towards Japan, rather than only towards the United Kingdom of Great Britain and Northern Ireland.²²

C. Transport and communications

26. In 2005, the transport infrastructure of Guam comprised four airports, of which Guam's international airport is the most modern in the Western Pacific; 977 kilometres of roadways, almost all paved; and one port. In July 2005, the United States Government provided funding for specific projects in Guam, including \$6.6 million for the reconstruction of three bridges across the Hagåtña River; \$6 million for the construction of a new wharf and land reclamation on Cabras Island; and \$400,000 for the Guam Mass Transit Authority to purchase handicap accessible buses and vans. Guam also received an additional \$14.5 million out of the \$36.4 million earmarked for the territorial highway programme.²³

27. The Port Authority of Guam, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbour. The port is a major trans-shipment centre of the western Pacific and is equipped to move containerized bulk and tuna cargo efficiently.

28. Guam serves as a major telecommunications hub for the Asia/Pacific rim. Guam has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialing, including free use of 800 numbers. In 2001, Guam was estimated to have in use 84,134 telephone main lines and 32,600 mobile cellulators. In 2002, there were 50,000 Internet users in the territory. Two private companies, RCA Global Communications and IT&E (the Internet service provider for Guam and the Pacific Region), handle cablegrams, facsimile and telex messages and overseas telephone calls in the Territory. The United States Postal Service handles mail delivery. Commercial mail delivery is also available through Federal Express, TNT and DHL.

29. Guam has one daily newspaper, a newspaper published three times a week, several weekly and monthly commercial publications, and military journals. There are four AM and seven FM radio stations, one broadcast commercial television station, one commercial cable television station, and one public broadcasting station. Guam is a major Pacific cable station. A new fiber optic cable now links the island with Hawaii, Japan, the Philippines, and Hong Kong, China.²

D. Water system, sanitation and utilities

30. Approximately 74 per cent of the water supply is provided by the Guam Waterworks Authority. The remainder is produced by the Air Force and Navy installations on Guam. The Government's water sources are groundwater and surface water (Ugum River). The Navy water source is a surface reservoir (Fena Lake) in the southern part of the island. The state of the water and sewerage system is poor.

31. Leaks are frequent, posing significant health and environmental problems and inhibiting development.²⁴ In December 2002, the United States Government filed a complaint against Guam Waterworks Authority and the Government of Guam for repeated violations of the federal clean water and safe drinking water acts.²⁵

32. In November 2002 the island elected its first Consolidated Commission on Utilities. The Commission oversees the operations of the Guam Waterworks Authority and the Guam Power Authority.

33. In December 2005, the Commission decided to pursue a partial privatization of the island's sewerage system and voted to ask the Guam Waterworks Authority to come up with an assessment of a partial privatization plan for the other half of the agency, the drinking water facilities.²⁶

34. In his State of the Island Address, on 22 February 2006, Governor Camacho announced that Guam had invested \$108 million to upgrade its water and wastewater systems. His Administration was also improving the island's power system by placing parts of the system underground. In addition, the 2006 federal budget proposal included an increase of \$1 million to strengthen core water and waste activities in the United States Territories and those Territories in a relationship of free association with the United States.²⁷

V. Military issues

35. Guam was administered by the United States Navy until 1950, and remains the site of extensive United States naval and air force installations. Petroleum storage, munitions stowage, extensive communications facilities and other service industries that cater to the military establishment form the basis of the military infrastructure in Guam.

36. Following a decision of the United States Government in 2005 to realign United States Marine Corps capabilities in the Pacific region, approximately 15,000 United States military personnel and their families will be transferred to Guam from Okinawa over a period of six years. Three submarines are already based in Apra Harbour. Pacific Air Forces have committed to basing a Global Strike Task Force at Andersen Air Force Base on Guam. In his State of the Island Address, the Governor said that increased military activity would bring increased investment, more businesses and better jobs for the people of Guam.²¹ In 2005, the United States Congress also passed a bill for military construction projects to be developed on Guam in 2006. The projects include \$25.5 million for improvements at Alpha and Bravo Wharfs at the Naval Base, \$15 million for new ammunition storage igloos at Andersen Air Force Base, \$40.5 million for a new joint middle and elementary school at the Naval Base and other investments.²⁸ According to the Guam Delegate to the United States Congress, the United States Department of Defense authorized an additional \$89.5 million for military construction projects in 2006.²⁹

VI. Land issues

37. There are three categories of land-use ownership on Guam: private, the Government of Guam, and the United States Government. The Federal Government holds about 30 per cent of the total land area; the Government of Guam holds

approximately 25 per cent; while the remaining 45 per cent is privately owned. Private land ownership on Guam is not restricted on the basis of nationality or residency.³ According to estimates in 2001, about 9 per cent of the land is arable.

38. As reported in previous working papers, the question of land use and ownership is a major and ongoing consideration on Guam. This question comprises two major issues: (a) the return of unused or underutilized lands held by the Department of Defense; and (b) the return of those lands to the original Chamorro landowners. In 1994, Congress passed the Guam Excess Lands Act (Public Law 103-339) to return 3,200 acres to the people of Guam. By early 2005, a total of 180 parcels of land benefiting 2,000 families had been returned, seven parcels more than the previous year.³⁰

39. Recently, the United States Government has expressed concern over the turnover of properties at the former Naval Air Station in Tiyan to the original Chamorro landowners, saying that this could be a breach of the original agreement that turned over the Naval Air Station to the Government of Guam.³¹ The Federal Government wants the local Government to build a highway on the property, portions of which the local Government has given back to the original landowners.³²

VII. Social conditions

A. Law and order

40. During the review period, the Government of Guam received two federal grants from the United States Department of Justice for a total of \$1,029,000 to support community efforts directed towards the development and implementation of effective, victim-centred law enforcement addressing violence against women, as well as providing direct services to victims of crime.³³ The Department of Justice also released to the Guam Department of Youth Affairs an amount of \$247,700 to improve juvenile justice system infrastructure and operations in the Territory.³⁴ In addition, the Federal State Justice Institute awarded a \$30,000 grant to assist the Guam Judiciary with reorganizing itself based upon Federal legislation.³⁵

B. Labour

41. According to the Guam Department of Labor, the number of both private sector and government jobs on Guam increased by 590 from December 2004 to December 2005, reaching 57,990 registered jobs. Construction jobs, as well as jobs in the hotel business, services, transportation and utilities, finance, insurance and real estate increased in numbers.³⁶

C. Education

42. Guam has an extensive public and private education system. The public education system includes the University of Guam, Guam Community College, four public high schools, seven middle schools and 27 elementary schools. The private system includes two business colleges, five high schools and several elementary schools, most of which are affiliated with Roman Catholic and Protestant religious

denominations. A new bill, the Guam Charter Schools Act, allowed the establishment of private charter schools independent from the Department of Education.³⁷ According to estimates in 1990, about 99 per cent of Guamanians over the age of 15 were literate.

43. The University of Guam offers master's degree programmes in education and public administration, operates a marine research laboratory, and has an extensive collection of Pacific and Micronesian historical documents and material at the Micronesian Area Research Center. The University of Guam is accredited by the Western Association of Schools and Colleges.²

44. In 2005, the United States Department of Education allocated over \$546,000 to the Guam Community College and the University of Guam to increase the retention and graduation rates of low-income and first-generation college students, and college students with disabilities. The Department also awarded the Guam Department of Education \$9.2 million over the next three years for a teacher quality enhancement programme.³⁸

45. The Guam Public School System receives the largest portion of government revenues. According to the Governor, during 2005, his Administration invested \$14 million towards purchasing new textbooks for schoolchildren and 69 new school buses, for a total of 170 school buses. He also noted that, for the second consecutive year, the schoolchildren of Guam have raised their national test scores.²¹

46. Starting in the summer of 2006, students will be able to study at the new School of Business and Public Administration of the University of Guam and the new Multi-Purpose Auditorium and Technology Center of the Guam Community College. Construction of the projects required an investment of some \$170 million.

D. Public health

47. Life expectancy of Guamanians is 75.34 years for male and 81.64 years for female.³ The major health facility in Guam and the Federated States of Micronesia, the Guam Memorial Hospital, is owned by the Government and has 192 beds, including 159 beds for acute care. The United States Naval Hospital serves military personnel and dependents as well as veterans. The Guam Department of Public Health operates about a dozen medical and dental clinics.²

48. A health-care reform law, which entered into force in May 2004, requires that residents who rely on the government programme for the medically indigent go to one of two regional public health-care clinics instead of private health-care providers. There is concern in the medical community that the new structure penalizes patients and other health-care providers and might result in long waits at clinics and overcrowding in hospital emergency rooms.³⁹

49. In his 2006 State of the Island Address, the Governor noted that renovation of the Northern Public Health Center continued in order for it to be able to provide greater access to care for uninsured and underinsured Guam residents. During the review period, the Guam Administration increased by 50 per cent its temporary assistance to needy families.²¹

50. In February 2006, President Bush signed into law the Deficit Reduction Act of 2005, providing Guam with an additional \$7.5 million in Medicaid funding for the

fiscal years 2005/2006. The funding will be put towards health care for the needy.⁴⁰ In 2005, the United States Congress awarded the University of Guam, School of Nursing, Social Work and Health Sciences, a grant of \$238,080 to expand the capacity of the learning environment of the nursing programme.⁴¹

E. Housing

51. According to the Guam Delegate to Congress, Madeleine Bordallo, the Territory is faced with increasing numbers of homeless people. In order to alleviate that problem, in 2005 the United States Department of Housing and Urban Development awarded \$837,820 to the Guam Housing and Urban Renewal Authority as part of the Continuum of Care — Homeless Assistance Awards programme. The programme provides funding for a range of assistance to homeless persons, including transitional housing, permanent housing and a variety of supportive services.⁴²

F. Immigration

52. A major issue in the federal Government's relations with Guam is migration from the Freely Associated States of the Marshall Islands, Micronesia (Federated States of) and Palau. The Compact of Free Association Act of 1986, which established the relationship between the United States and the Federated States of Micronesia, and the Marshall Islands, authorized unrestricted migration from those Pacific island nations to the Territories and possessions. The Act enabled citizens of the Freely Associated States to enter Guam and to engage lawfully in occupations as non-immigrant aliens.⁴³ Those immigrants and their American-born children have settled in Guam, Hawaii and the Northern Mariana Islands, which has strained the resources of recipient States and Territories.

53. In order to reimburse Guam, the other Territories and Hawaii for the cost of providing Government services for regional immigrants, the federal Government has issued Compact-impact funding. In December 2003, the Compact of Free Association Amendments Act of 2003 was passed, renewing the original Compact of 1986 for another 20 years. Additional Compact-impact reimbursement is authorized if impact costs rise above the mandatory appropriation of \$30 million per year. An estimated \$12 million to \$14 million in annual funding is expected for Guam. At the same time, at the request of the Governor of Guam, the President is authorized to release, reduce or waive, in whole or in part, any amounts owed by the Government of Guam to the United States Government as an offset for past Compact-impact costs that were not reimbursed.

54. A request by the Governor of Guam to the President of the United States to grant federal debt relief to Guam in the order of \$200 million was rejected in January 2005. The request was made under a federal law passed in December 2003 allowing the President the option of granting debt relief to offset the cost of providing Government services to regional immigrants. Nevertheless, in his budget proposal for the fiscal year 2006, the President announced that Guam would receive \$14.2 million for that purpose.⁴⁴ The Compact-impact allocation to Guam of \$14.2 million will remain the same for 2007.¹³

55. In addition, the immigration policies currently applied to Guam have resulted in a considerable increase in migration from countries, particularly the Philippines, to Guam. The 2000 census indicated that, while the Chamorro population stood at 65,243, the non-Chamorro population was 86,798.

G. Human rights and related issues

56. There have been no further developments since the issuance of the 2003 working paper (A/AC.109/2003/15).

VIII. Environment

57. Guam continues to experience environmental problems related to the United States occupation during the Second World War (see A/AC.109/2001/4, para. 83 and A/AC.109/2005/7, para. 67). In January 2002, the Navy agreed to pay \$42,000 in fines and to spend \$380,000 to improve its waste management, after the United States Environmental Protection Agency found that the Navy Public Works Center had handled hazardous waste poorly in the year 2000.⁴⁴ In October 2004, the Washington-based Board of Radiation Effects Research Committee started to examine possible radiation exposure Guam residents might have suffered as a result of the United States nuclear tests in the Marshall Islands in the 1950s.⁴⁵

58. In April 2005 the Guam Delegate to the United States Congress, Madeleine Bordallo, welcomed the recommendation of the Committee to Assess the Scientific Information for the Radiation Exposure Screening and Education Program that all Americans should be given the same consideration when it comes to compensation for exposure to radiation from United States nuclear testing — including the people of Guam. According to Congresswoman Bordallo, that marks a significant departure from the current compensation programme, which uses geographic, rather than scientific, criteria.⁴⁶

59. In 2002, the United States Fish and Wildlife Service decided to designate 25,000 acres of Guam, about 19 per cent of the island, a critical habitat for the island's endangered bird and bat species. The land, which mostly belongs to the military, did not change ownership, but all federally funded land projects have to be reviewed to ensure that they do not affect species' native habitat. In October 2004, the United States Fish and Wildlife Service also decided to designate 6,409 acres of land a critical habitat for three bat species.⁴⁷

IX. Relations with international organizations and entities

A. United Nations system

60. There have been no further developments since the issuance of the 2003 working paper (A/AC.109/2003/15).

B. Regional organizations and entities

61. Guam is a member of the Secretariat of the Pacific Community, a 26-member organization dedicated to providing technical advice, assistance, training and research to promote the development of its members.

X. Future status of the Territory

A. Position of the territorial Government

62. On 2 November 2004, Guam was scheduled to hold a plebiscite on self-determination to determine the future political status of the island. The plebiscite was postponed, primarily because eligible voters had not been identified and registered.⁴⁸ Since then the issue of the political status of the island has not been further addressed.

B. Position of the administering Power

63. The administering Power has not made a statement on this matter since the 72nd plenary meeting of the General Assembly on 9 December 2003 (see A/58/PV.72). At that meeting, the representative of the United States said that the United States could not support the draft resolution (A/58/L.21) on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples because, by adopting a narrow definition of decolonization, the draft resolution failed to take into account the complex reality of Non-Self-Governing Territories. For the United States, the very term "non-self-governing" seemed inappropriate for Territories able to establish their own Constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path.

64. The United States representative further noted that the United States Government was fully supportive when countries chose independence and was proud to welcome them as equal and sovereign partners. In the case of Territories that did not choose independence, however, the United States also supported the right of people of those Territories to a full measure of self-government, including the rights to integration and free association. The United States expressed the view that the world encompassed a variety of peoples, places and political circumstances, and that richness did not allow for just one path. It believed that a single standard of decolonization should not be applied to every Territory, and it called upon all Member States to respect the choices made by residents of Non-Self-Governing Territories.

65. In conclusion, the representative said that the United States looked forward to a significant dialogue with the Committee of 24 in 2004, and that it was the Government's hope that all parties would cooperate to achieve a reduction in the number of Non-Self-Governing Territories.

C. Consideration by the United Nations

66. On 8 December 2005, the General Assembly adopted resolutions 60/117 A and B without a vote. Section VI of resolution 60/117 B is devoted specifically to Guam.

Notes

- ¹ The information contained in the present working paper was derived from information transmitted to the Secretary-General by the Government of the United States under Article 73 e of the Charter of the United Nations, in February 2006, as well as from published sources, including Internet sites.
- ² www.doi.gov/oia.
- ³ Central Intelligence Agency, *The World Factbook*, Guam (see www.cia.gov).
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